

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VIFOR FRESENIUS MEDICAL CARE)	
RENAL PHARMA LTD. and VIFOR)	
FRESENIUS MEDICAL CARE RENAL)	
PHARMA FRANCE S.A.S.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 18-390 (MN)
)	
TEVA PHARMACEUTICALS USA, INC.,)	
)	
Defendant.)	

ORDER AFTER PRETRIAL CONFERENCE

AND NOW, this 14th day of January 2021, after a Pretrial Conference and upon consideration of the Proposed Pretrial Order (D.I. 277) and the discussion at the January 12, 2021 Pretrial Conference, IT IS HEREBY ORDERED that:


1. The Proposed Pretrial Order is **ADOPTED** as modified by any discussion at the Pretrial Conference. (*See* D.I. 282).
2. A bench trial will begin on Tuesday, January 19, 2021 at 9:00 a.m. Subsequent trial days will begin at 9:00 a.m. and generally will end at 6:00 p.m., although the end of the trial day may, at the discretion of the Court, be earlier or later than 6:00 p.m.
3. The trial is timed. Each side is allowed up to eleven (11) hours for its opening statement, its direct and cross-examination of witnesses, closing arguments and argument of evidentiary issues. Each party shall reserve one (1) hour of its eleven (11) hours for closing arguments. Time during the trial day that does not neatly fit into one of those categories will be attributed to one side or the other as the Court deems appropriate.

4. Issues that need to be addressed may be taken up at 8:30 a.m. or at the end of the day. There will be at least thirty minutes for lunch as well as a fifteen-minute break in both the morning and the afternoon.

5. For the reasons stated at the Pretrial Conference, Plaintiff's Motion *in Limine* (D.I. 277, Ex. 15) is GRANTED-IN-PART and DENIED-IN-PART and Defendant's Motions *in Limine* Nos. 1, 2 and 3 (D.I. 277, Exs. 16, 17 & 18) are DENIED. (*See* D.I. 282 at 3:12-24:20).

6. As explained at the Pretrial Conference, the parties shall provide electronic copies of ALL trial exhibits to the Courtroom Deputy by NOON on January 15, 2021. The trial exhibits must be labeled with JTX, DTX or PTX prefixes with exhibit numbers, and the trial exhibits must be organized in a single folder. Additionally, at the beginning of each trial day, the parties shall provide to the Courtroom Deputy electronic copies of witness folders containing the exhibits to be used on direct examination of any witnesses expected to be called that day. To the extent parties wish to provide the Court with cross-examination folders, those must be provided to the Courtroom Deputy in electronic format at the beginning of the trial day that that cross examination is expected to occur.

7. Any trial logistics should be coordinated through the Courtroom Deputy.


The Honorable Maryellen Noreika
United States District Judge